

2016 Preconstruction Conference

“ROW” Right Away!



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- One of preconstruction's biggest challenges is closing parcels so that projects can be let in the fiscal year they are scheduled.
- Every year projects are moved out of the fiscal year because of our inability to get parcels closed.
- We are going to share some simple concepts that we believe can help us better maintain our delivery schedules and deliver ROW right away.

What are we going to talk about today?

Effect of R/W Acquisition on project delivery



Reasons for lengthy Acquisitions



Solutions and the key to Utopia



Effect of R/W Acquisition on project delivery

- What's the one thing we think of regarding R/W and project schedules?.....DELAY
- It only takes one landowner to fight our project and create a delay.

Reasons for lengthy Acquisitions

- Is it money?
- Opposition to the project?
- Staff shortcomings?
- Something else?

Solutions and the key to Utopia.....to a land of butterflies and rainbows

- We're going to talk for a bit on how the Design world marriages up with the R/W world.
- And through that discussion, we're going to figure out.....
- **How we can all help to close parcels more efficiently**

Each year MDT has to move projects out of the fiscal year because the required right of way has not been acquired.

- East of Thompson River – East
- Sidney to Fairview
- 5 MI North of Roscoe – North
- Hysham – West
- Belgrade South



Here are some recent examples.

Some of these delays were because of greed, landowners that don't like MDT or MDT projects, and wanting MDT to fix pre-existing property issues.

Regardless of the issues, what do all of these projects have in common?

When the row is not acquired when scheduled, it creates other issues.

They were all moved out of FFY16.

What effect does this have on all of us?

- ☹ Rapidly changing priorities
- ☹ Operating in crisis mode
- ☹ Important projects linger on
- ☹ Stress
- ☹ Our hair is on fire
- ...etc.
- ...etc.
- ...etc.

When the row is not acquired when scheduled, it gets moved later in the fiscal year.
This creates stress for all directly related to delivering the federal program.
This also creates the need for backup projects.
Now instead of focusing on delivering the original project, time and energy has to be put into a backup project.
This creates more stress.
Priorities change to ensure that federal funds are spent in the district they were allocated.
This drains resources.
This creates more stress.

Why does this happen?

- Is this because of bad designs?
- Is this because of inaccurate land values?
- Is this because of poor negotiating?
- Is this because of something else?

It could be any of these items.

Preconstruction staff, specifically R/W and Design staff, do not have time to address how we got here.

We do not look at the what has caused the issue and how are we going to fix it before we run into it again.

At this point in project delivery, it becomes about just closing parcels.

The focus is on delivering these projects.

So now, stress is high and we need to complete acquisitions.

What is our #1 goal when we visit a landowner that we need R/W from?

- Get the signature
- Close the parcel
- Clear the R/W
- Meet the deadline
- Let the project
- SPEND THE MONEY!

What are some of the roadblocks to achieving this goal?

- Landowner wants more money.
- Landowner doesn't like the project.
- Landowner doesn't like MDT.
- Landowner doesn't like the impact to their property.
- Landowner doesn't feel like they are getting what they want: fencing, approaches, irrigation.

How about us? Are we a roadblock ?

- “Rather than modifying the design to accommodate a landowner, you need to sell to that landowner the design that benefits the overall travelling public.”
- “R/W needs to sell the design.”
- “Why can’t Design be more flexible?”
- “Designers don’t know to negotiate.”

I’m sure you have heard, either directly from a designer or Project Manager, or indirectly through the grapevine.....

- “Rather than modifying the design to accommodate a landowner, you need to sell to that landowner the design that benefits the overall travelling public.”
- “R/W needs to sell the design.”
- “Why can’t Design be more flexible?”
- “Designers don’t know how to negotiate!”

➤ Sound familiar?

Common Misconceptions

- R/W Agents give up at the first sign of a difficult landowner, and the first place they go is to eliminate involvement with that parcel.
- Design modifications mean a less safe road.
- Design is inflexible and won't consider things different than what the standards indicate.
- Design has no idea of the challenges in the R/W world.
- R/W has no idea of the challenges in the design world.

Before we dive into the blame game, let's talk about some misconceptions.

Perceptions and Reality

- Design staff invests a lot of effort in developing a product that they feel is the best and safest for all travelers. With that comes the desire to protect that investment.
- R/W Staff are faced with dealing with folks that will live with our project for years after we leave, folks that have their lives vested in that property we need. With that comes the desire to address their concerns while trying to close the parcel.

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- While everyone of us can point to a real life example of where these were a truth, not a misconception, we need to be careful not to cast broad generalizations and hold on to them.
 - We tend to have some gross stereotypes of each other don't we?
 - R/W Design does a lot more than copy parallel, Road Design does a lot more than blindly follow design manuals, R/W Agents do a lot more than spend money and give up easily, and Consultant Design does a lot more than simply shuffle paper.

Therein lies the struggle

This challenge in balancing R/W needs and Design needs will likely always be there.

There is a fundamental conflict between design (standards & safety) and the R/W required (minimized need for & impacts).

Recognize the struggle!! Both Design and R/W need to recognize this is a struggle, that it probably always will be, and that it's critical that we all do our part to help each other through this struggle.

REMEMBER....we're all on the same team, working on delivering the same projects.

So what do we do about it?

How do we get from there.... to here:



Do we accept where we are?

Or can we do something about it?

How do we get to the land of rainbows and butterflies?

The key is communication between Design and R/W.

- Communication needs to begin early in the design phase and continue throughout the R/W phase.
- R/W needs to understand the importance of engineering design criteria.
- Design needs to be open to the most practical design.
-and the landowner needs to understand both perspectives.

Earlier we identified some roadblocks to closing the row and delivering projects during the fiscal year they are scheduled.

Now we are going to talk about how to overcome some of these roadblocks before they are roadblocks.

Communicate, communicate, communicate.

R/W and Design need to work together instead of in individual bubbles.

The solution in action

What can R/W do to help Design through this struggle?

- Be actively involved throughout the process.
- Strive to understand why the design is what it is.
- If you have an idea for a design change, ask.
- Listen.
- Focus on the win-win for everyone.

- What can R/W do to help design through this struggle?
 - Be actively involved throughout the process
 - When the agent is present at milestone reviews, it is easier to understand the logic and the discussion behind the design decisions; Modifications can be discussed sooner rather than later, before too much effort goes into the design.
 - Changes in design become increasingly difficult as plans get further and further along in design. By the time we get to final plans, it is painfully difficult to change something like a curve or a grade. The result is increased resistance to change.
 - If you have an idea for a design change.....ask! If you get unreasonable or unfounded resistance, talk to their supervisor. Focus on what could be a win-win for everyone.
 - Listen to the design staff.
 - Remember that we are all working together, on the same team, to deliver these projects.
 - Assume positive intent!

The solution in action

Practical Steps

- R/W Supervisors –
 - Attend early milestone reviews (PFR, AGR)
 - Assign Agents to project as early as possible
 - Be proactive in managing your resources
- R/W Agents –
 - Attend later milestone reviews (PIH, FPR)
 - Block out time on calendar – just like you would a day of vacation
 - Have regularly-scheduled phone calls with Design Project Manager
- Use GoTo Meeting if a site review doesn't work

R/W Supervisors are the experts in the districts.

They must share their row knowledge and experience with the design team at the PFR and AGR.

This allows for better design and fewer design changes during acquisition.

This allows agents to start establishing relationships with landowners earlier in the process.

Allows agents to be aware of landowner concerns and potential issues earlier.

Creates more time for resolving landowner concerns and issues.

Plan your future.

Identify projects that will be acquired internally.

Contract with consultants to stay ahead of delivery dates.

Understand the need for the project; safety, maintenance of facility, or something else.

Plan your time by scheduling time with key members of the design team.

Learn what the benefits of the project are.

The solution in action

What can Design do to help R/W through this struggle?

- Be open to potential design alterations.
- Discuss the project with the landowners early to try and minimize impacts and address concerns.
- Listen.
- Drive the project with the Agent(s) at authorization.

- What can Design do to help R/W through this struggle?
 - Be open to potential design alterations
 - Discuss the project with landowners early to try to minimize impacts and address concerns
 - Encourage communication and suggestions early in the process
 - Listen
 - Drive the project with the Agent(s) at authorization
 - Discuss design features that can and can't be changed
 - Discuss the R/W needs parcel by parcel
 - Talk about conversations you've had with landowners
 - Any commitments made?
 - What expectations do the landowners have?
 - What expectations have we given them?
 - Any insights into landowners? Interests? Anything personal?
 - This is a practical option, and something Design **OR** R/W can request

The solution in action

Practical Steps

- Design Project Manager & Lead Designer –
 - Reach out to R/W Supervisor and R/W Agents at milestone reviews – value their participation and input
 - Plan to manage your resources
 - Block out time on calendar – just like you would a day of vacation
 - Have regularly-scheduled phone calls with R/W Agent
 - Keep a diary/log of conversations with landowners
- Consultants –
 - Include in your scope, schedule, and budget
- Use GoTo Meeting if a site review doesn't work

Together, we can navigate the struggle!

The future is working together as a team!

Communicate and Collaborate!

- Circling back to our roadblocks discussion:
 - We all have a choice on whether or not WE will be a roadblock.
 - This is the ONE thing we have control over.
 - So the question we can all ask ourselves is this....

What can I do to tear down the roadblock that I might be putting up?

Discussion & Questions

